



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: April 6, 2005

Time: Closed Session 5:30 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Actual litigation: Government Code §54956.9(a); one case; Timothy Thalken v. City of Lodi, U.S. District Court, Eastern District Case No. CV-00514-EJG-KJM
- b) Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- c) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- d) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- e) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- f) Actual litigation: Government Code §54956.9(a); one case; Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 FCD JFM
- g) Actual litigation: Government Code §54956.9(a); one case; City of Lodi v. Michael C. Donovan, an individual; Envision Law Group, LLP, et al., San Joaquin County Superior Court, Case No. CV025569
- h) Actual litigation: Government Code §54956.9(a); one case; Environmental Forensic Investigations, Inc. v. City of Lodi, San Joaquin County Superior Court, Case No. CV-024899
- i) Actual litigation: Government Code §54956.9(a); one case; Farr Associates v. City of Lodi, San Joaquin County Superior Court, Case No. CV-025075
- j) Actual Litigation: Government Code §54956.9(a); one case; Magellan Environmental, Inc. v. City of Lodi, San Joaquin County Superior Court, Case No. CV-024898
- k) Actual litigation: Government Code §54956.9(a); one case; Dockter v. City of Lodi, et al., Superior Court of California, County of San Joaquin, Stockton Branch; Case No. CV 023845

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll call

B. Invocation – Chaplain Barbara Taylor, Lodi Police Chaplains

C. Pledge of Allegiance

D. Presentations

D-1 Awards – None

D-2 Proclamations

a) National Telecommunicators Week (PD)

b) National Volunteers Week (PD)

c) Public Health Week

d) National Library Week / National Library Workers Day (LIB)

D-3 Presentations

a) Presentation of Resolution of Appreciation for service in the City of Lodi community

E. Consent Calendar (Reading; comments by the public; Council action)

E-1 Receive Register of Claims in the amount of \$14,223,595.25 (FIN)

E-2 Approve minutes (CLK)

a) February 3, 2005 (Special Meeting)

b) March 16, 2005 (Regular Meeting)

c) March 22, 2005 (Shirtsleeve Session)

d) March 22, 2005 (Special Meeting)

e) March 25, 2005 (Special Meeting)

f) March 29, 2005 (Shirtsleeve Session)

Res. E-3 Adopt resolution approving specifications, authorizing advertisement for bids as required, and further authorizing the City Manager to award or reject contract for services for the abatement by demolition and clearing at the property located at 428 Railroad Avenue (APN 043-201-16) (up to \$8,000) (CD)

Res. E-4 Adopt resolution approving specifications, authorizing the bidding process as required, and further authorizing the City Manager to award or reject contract for services for the abatement of violations at the property located at 2019 Kenway Court (APN 029-160-36) (up to \$5,000) (CD)

Res. E-5 Adopt resolution approving the standardization of solid state meters for residential and small commercial application with Itron, of Spokane, Washington (EUD)

Res. E-6 Adopt resolution authorizing the purchase of one mobile digital computer and radar unit to replace the ones that were destroyed in a fire in vehicle #05-037 from DATA 911, of Alameda, CA, and Kustom Signals, Inc., of Lenexa, KS (Federal Block Grant Funds - \$9,477) (PD)

E-7 Accept improvements under contract for Well 10C Pump and Motor, 790 North Guild Avenue (PW)

E-8 Accept improvements under contract for the Public Safety Building Fire/Smoke Damage Demolition and Clean Up, 230 West Elm Street (PW)

Res. E-9 Adopt resolution accepting Harney Lane Street Frontage Improvements in Century Meadows One, Unit 2, Tract No. 2786 (PW)

E-10 Approve payment for Northeastern San Joaquin County Groundwater Banking Authority (\$20,000) (PW)

Res. E-11 Adopt resolution appropriating additional funds for Disabled Access Ramps Change Order for Municipal Service Center Public Works Locker Room Expansion Project (\$21,000) (PW)

Res. E-12 Adopt resolution authorizing application for grant funds to help operate the Senior Information Referral Services Center at Hutchins Street Square for a four-year period (July 1, 2005 to June 30, 2009) under the Older Americans Act Fund, Title III-E (Local Information and Assistance) through the San Joaquin County Human Services Agency (COM)

- Res. E-13 Adopt resolution authorizing the City Manager to execute a five-year contract for Public Works 800 MHz radio transmission service with LaRue Communications, Inc., of Stockton (\$14,580 annually) (PW)
- Res. E-14 Adopt resolution authorizing the City Manager to execute a professional services agreement with Padilla & Associates, Inc., for Disadvantaged Business Enterprise Program consulting services (\$6,300) (PW)

F. Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

G. Comments by the City Council Members on non-agenda items

H. Comments by the City Manager on non-agenda items

I. Public Hearings

- Ord. I-1 Public hearing to introduce ordinance to repeal and re-enact Chapter 15.20 (Fire Code) of the
(Introduce) Lodi Municipal Code and review resolution establishing a master fee schedule for cost recovery for services provided by the Lodi Fire Department (fee resolution included for information only; no action required until final adoption of ordinance) (FD)

J. Communications

- J-1 Claims filed against the City of Lodi
a) Augustine Dias, date of loss August 28, 2004
- J-2 Appointments
a) Appointments to the Lodi Improvement Committee (CLK)
b) Post for vacancy on the San Joaquin County Emergency Food and Shelter Program (CLK)
- J-3 Miscellaneous – None

K. Regular Calendar

- Res. K-1 Adopt 1) resolution accepting Certificate of Sufficiency of Petition for the Fire and Facilities Sales
Res. Tax Initiative submitted by John E. Johnson representing *Lodi Citizens for Public Facilities*; and
2) resolution to place the measure on the ballot for the November 7, 2006, General Municipal Election (CLK)
- Res. K-2 Adopt "Open Session Resolution" approving Guild Settlement (CA)
- Res. K-3 Adopt resolution approving payments to State Water Resources Control Board for PCE clean-up oversight and appropriating funds (\$32,000) (PW)
- Res. K-4 Adopt resolution approving salary adjustment to Manager, Customer Services and Programs, position in the Electric Utility Department (HR)

L. Ordinances

- Ord. L-1 Ordinance No. 1756 entitled, "An Ordinance of the City Council of the City of Lodi Amending
(Adopt) Lodi Municipal Code Title 12 – Streets, Sidewalks, and Public Places, Section 12.07.130, Relating to Lodi Tourism Business Improvement District Levy of Assessment—Collection, Delinquency, and Penalty"

- Ord. L-2 Ordinance No. 1757 entitled, "An Ordinance of the City Council of the City of Lodi Amending
(Adopt) Lodi Municipal Code Title 17 – Zoning, by Repealing and Reenacting Sections 17.72.110,
17.73.070, 17.74.070, and 17.81.070; Repealing in Their Entirety Sections 17.84.050 and
17.84.060; and Further Adding Chapter 17.88 Relating to Appeals"
- Ord. L-3 Ordinance No. 1758 entitled, "An Ordinance of the City Council of the City of Lodi Amending
(Adopt) Title 15, 'Buildings and Construction,' of the Lodi Municipal Code by Adding Chapter 15.66
Relating to County Facilities Fees"

M. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Susan J. Blackston
City Clerk